



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,378	10/25/2000	John Jianhua Chen	S63.2-9503	2980

490 7590 01/29/2003

VIDAS, ARRETT & STEINKRAUS, P.A.  
6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA, MN 55343-9185

EXAMINER
----------

HON, SOW FUN

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 01/29/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Advisory Action**

**Application No.**

09/696,378

**Applicant(s)**

CHEN ET AL.

**Examiner**

Sow-Fun Hon

**Art Unit**

1772

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 21 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

## **PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment to advisory action below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: Attachment to advisory action

sh

*Advisory Action*

1. The request for reconsideration has been entered. The arguments have been fully considered but are deemed unpersuasive.

2. Applicant argues that LeVeen et al. teaches away from reinforcing the balloon portion by reciting a reinforcement netting structure placed at the beginning and end of the thinned portion of the balloon section, but not at the center.

Applicant is respectfully reminded that LeVeen et al. teaches that the balloon catheter is a one-piece unit wherein the balloon is a thin catheter wall portion of the catheter ('195, column 1, lines 5-50). Zdrahala teaches that the catheters are for balloon angioplasty, and that dispensing with the netting (wired) support is necessary to reduce wall thickness in order to penetrate smaller blood vessels with less trauma ('785, column 1, lines 10-45). The composition of Zdrahala solves the problem by providing thinner wall catheters with improved longitudinal stiffness for facilitating advancement through smaller arteries and veins ('785, column 2, lines 42-52) hence dispensing with the netting support. Using the catheter tubing of Zdrahala as the catheter tubing for making the one-piece balloon catheter of LeVeen et al. thus facilitates balloon angioplasty of smaller arteries and veins with less trauma involved.

2. Applicant argues that because Le Veen et al. and Zrahala do not lead to the balloon of the present application, combining with Cozewith et al. would not lead to the balloon of the present application either. The arguments with respect to LeVeen et al. and Zrahala are addressed above.

3. Applicant argues that Jorgensen teaches an improved dilatation balloon with an elastomeric skin having a constraining structure formed of fibers which is affixed thereto, and thus does not teach a balloon with fibers (fibrils) dispersed in the matrix.

Art Unit: 1772


Applicant is respectfully reminded first of all that the fibers are embedded in the first embodiment of Jorgensen's balloon ('848, column 3, lines 25-50). Jorgensen teaches that the particularly preferred liquid crystal polymer fibers allow unrestrained expansion of the balloon from deflation to inflation diameter size, but provide enough reinforcement to effectively restrain the balloon from undergoing any radial expansion beyond the inflation diameter size ('848, column 3, lines 25-50), thus providing the motivation to extend the embedding of the fiber reinforcement of the balloon catheter of LeVeen et al. to the entire balloon catheter along with the use of liquid crystal polymer fiber. The validity of the combination of LeVeen et al. and Zdrahala has been addressed above.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

SH  
Sow-Fun Hon  
01/28/03

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

1/23/03